IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 463 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

JAGDISHCHANDRA CHAMPAKLAL JAISWAL

Versus

STATE OF GUJARAT

Appearance:

MR NIGAM R SHUKLA for Petitioner

MR SAMIR DAVE for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 03/05/2001

ORAL JUDGEMENT

#. The petitioner, owner of luxury bus No.DD-02-9001 is praying for directions to respondent No.2 to release the vehicle on such suitable terms and conditions that may be deemed fit and proper by this court.

#. On the last date, the respondents' counsel was agreeable that in case the petitioner is ready to pay all the dues of tax, the respondents may not have any objection if this luxury bus is released. On the directions given by the court, the amount of tax due against the petitioner has been calculated and the petitioner as a token to show his bonafides in the matter, deposited Rs.15,000/= in the office of Regional Transport Officer, Surat, against those dues of tax. That amount is stated to be of Rs.45,000/= and odd.

#. The learned counsel for the petitioner submits that the financial condition of the petitioner is not good and he is not in a position to make lumpsum payment of the balance amount of dues of tax and he seeks indulgence of the court that he will deposit the balance amount of tax dues in two monthly installments and for which the petitioner may issue two post dated cheques in favour of the taxation authority.

#. The learned counsel for the respondents, having taken the instructions from the Regional Transport Officer, Surat, is in agreement that in case the petitioner gives two post dated cheques of the balance amount, first payable within one month and second within two months, the respondents have no objection in case this court releases this vehicle.

#. In view of this consensus arrived at between the parties, the prayer made by petitioner for release of the vehicle deserves acceptance. Accordingly, it is hereby ordered that on giving of two post dated cheques, first payable within one month and second within two months of the balance amount of the tax due, the respondent No.2 shall release the vehicle in favour of the petitioner. However, the petitioner is reminded of the fact that in case the cheques given are dishonoured, it will amount to a criminal offence for which he can be prosecuted and on proof of the same he can be punished. Liberty is granted to the respondents for revival of this special criminal application in case of any difficulty. Rule and special criminal application stand disposed of accordingly with no order as to costs.

(S.K.Keshote, J.)

(sunil)